

Federal Aviation Administration – [Regulations and Policies](#)
Aviation Rulemaking Advisory Committee

Transport Airplane and Engine Issue Area
Powerplant Installation Harmonization Working Group

**Task 8 – Harmonize 14 CFR 25.934, 25.643, 25.1091, 25.1103, 25.1141,
25X1315**

Task Assignment

exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. OLDE Management states that the requested relief satisfies this standard.

4. OLDE Management asserts that the Transaction arose out of business considerations unrelated to the Trust and OLDE Management. OLDE Management states that there is insufficient time to obtain shareholder approval of the New Agreements prior to the Closing Date.

5. OLDE Management represents that under the New Agreements, during the Interim Period, the scope and quality of services provided to the Funds will be at least equivalent to the scope and quality of the services it previously provided under the Existing Agreements. OLDE Management states that if any material change in its personnel occurs during the Interim Period, OLDE Management will apprise and consult with the Board to ensure that the Board, including a majority of the Independent Trustees, are satisfied that the scope and quality of the advisory services provided to the Funds will not be diminished. OLDE Management also states that the compensation payable to it under the New Agreements will be no greater than the compensation that would have been paid to OLDE Management under the Existing Agreements.

Applicant's Conditions

OLDE Management agrees as conditions to the issuance of the exemptive order requested by the application that:

1. The New Agreements will have the same terms and conditions as the Existing Agreements except for the dates of execution and termination.

2. Fees earned by OLDE Management in respect of the New Agreements during the Interim Period will be maintained in an interest-bearing escrow account, and amounts in the account (including interest earned on such fees) will be paid to (i) OLDE Management in accordance with the New Agreements, after the requisite shareholder approvals are obtained, or (ii) the respective Fund, in absence of such shareholder approval.

3. The Trust will convene a meeting of shareholders of each Fund to vote on approval of the respective New Agreements during the Interim Period (but in no event later than April 15, 2000).

4. OLDE Management or an affiliate, not the Funds, will bear the costs of preparing and filing the application and

the costs relating to the solicitation of shareholder approval of the Funds necessitated by the Transaction.

5. OLDE Management will take all appropriate steps so that the scope and quality of advisory and other services provided to the Funds during the Interim Period will be at least equivalent, in the judgment of the Trust's Board, including a majority of the Independent Trustees, to the scope and quality of services previously provided under the Existing Agreements. If personnel providing material services during the Interim Period change materially, OLDE Management will apprise and consult with the Board to assure that the trustees, including a majority of the Independent Trustees, of the Trust are satisfied that the services provided will not be diminished in scope or quality.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-30709 Filed 11-24-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

SUNSHINE ACT MEETING

AGENCY MEETING: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of November 29, 1999.

A closed meeting will be held on Wednesday, December 1, 1999, at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(A) and (10), permit consideration for the scheduled matters at the closed meeting.

Commissioner Unger, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, December 1, 1999, will be:

Institution and settlement of injunctive actions

Institution and settlement of administrative proceedings of an enforcement nature

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: November 23, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99-30918 Filed 11-23-99; 2:54 pm]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New and Revised Tasks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new and revised task assignments for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: Notice is given of new tasks assigned to and accepted by the Aviation Rulemaking Advisory Committee (ARAC) and of revisions to a number of existing tasks. This notice informs the public of the activities of ARAC.

FOR FURTHER INFORMATION CONTACT:

Dorenda Baker, Transport Airplane Directorate, Aircraft Certification Service (ANM-110), 1601 Lind Avenue, SW., Renton, WA 98055; phone (425) 227-2109; fax (425) 227-1320.

SUPPLEMENTARY INFORMATION:

Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator, through the Associate Administrator for Regulation and Certification, on the full range of the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitment to harmonize its Federal Aviation Regulations (FAR) and practices with its trading partners in Europe and Canada.

One area ARAC deals with is transport airplane and engine issues. These issues involve the airworthiness standards for transport category

airplanes and engines in 14 CFR parts 25, 33, and 35 and parallel provisions in 14 CFR parts 121 and 135. The corresponding Canadian standards are contained in Parts V, VI, and VII of the Canadian Aviation Regulations. The corresponding European standards are contained in Joint Aviation Requirements (JAR) 25, JAR-E, JAR-P, JAR-OPS-Part 1, and JAR-26.

As proposed by the U.S. and European aviation industry, and as agreed between the Federal Aviation Administration (FAA) and the European Joint Aviation Authorities (JAA), an accelerated process to reach harmonization has been adopted. This process is based on two procedures:

(1) Accepting the more stringent of the regulations in Title 14 of the Code of Federal Regulations (FAR), Part 25, and the Joint Airworthiness Requirements (JAR); and

(2) Assigning approximately 41 already-tasks significant regulatory differences (SRD), and certain additional part 25 regulatory differences, to one of three categories:

- Category 1—Envelope
- Category 2—Completed or near complete
- Category 3—Harmonize

The Revised Tasks

ARAC will review the rules identified in the "FAR/JAR 25 Differences List," dated June 30, 1999, and identify changes to the regulations necessary to harmonize part 25 and JAR 25. ARAC will submit a technical report on each rule. Each report will include the cost information that has been requested by the FAA. The tasks currently underway in ARAC to harmonize the listed rules are superseded by this tasking.

New Tasks

The FAA has submitted a number of new tasks for the Aviation Rulemaking Advisory Committee (ARAC), Transport Airplane and Engine Issues. As agreed by ARAC, these tasks will be accomplished by existing harmonization working groups. The tasks are regulatory differences identified in the above-referenced differences list as Rule type = P-SRD.

New Working Group

In addition to the above new tasks, a newly established Cabin Safety Harmonization Working Group will review several FAR/JAR paragraphs as follows:

ARAC will review the following rules and identify changes to the regulations necessary to harmonize part 25 and JAR:

- (1) Section 25.787;
- (2) Section 25.791(a) to (d);

- (3) Section 25.810;
- (4) Section 25.811;
- (5) Section 25.819; and
- (6) Section 25.813(c).

ARAC will submit a technical report on each rule. Each report will include the cost information that has been requested by the FAA.

The Cabin Safety Harmonization Working Group would be expected to complete its work for the first five items (identified as Category 1 or 2) before completing item 6 (identified as Category 3).

Schedule

Within 120 days of tasking/re-tasking:

- For Category 1 tasks, ARAC submits the Working Groups' technical reports to the FAA to initiate drafting of proposed rulemaking documents.
- For Category 2 tasks, ARAC submits technical reports, including already developed draft rules and/or advisory materials, to the FAA to complete legal review, economic analysis, coordination, and issuance.

June 2000: For Category 3 tasks, ARAC submits technical reports including draft rules and/or advisory materials to the FAA to complete legal review, economic analysis, coordination, and issuance.

ARAC Acceptance of Tasks

ARAC has accepted the new tasks and has chosen to assign all but one of them to existing harmonization working groups. A new Cabin Safety Harmonization Working Group will be formed to complete the remaining tasks. The working groups serve as staff to ARAC to assist ARAC in the analysis of the assigned tasks. Working group recommendations must be reviewed and approved by ARAC. If ARAC accepts a working group's recommendations, it forwards them to the FAA and ARAC recommendations.

Working Group Activity

All working groups are expected to comply with the procedures adopted by ARAC. As part of the procedures, the working groups are expected to accomplish the following:

1. Document their decisions and discuss areas of disagreement, including options, in a report. A report can be used both for the enveloping and for the harmonization processes.
2. If requested by the FAA, provide support for disposition of the comments received in response to the NPRM or review the FAA's prepared disposition of comments. If support is requested, the Working Group will review

comments/disposition and prepare a report documenting their recommendations, agreement, or disagreement. This report will be submitted by ARAC back to the FAA.

3. Provide a status report at each meeting of ARAC held to consider Transport Airplane and Engine Issues.

Participation in the Working Groups

Membership on existing working groups will remain the same, with the formation of subtask groups, if appropriate. The Cabin Safety Harmonization Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative of a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the Cabin Safety Harmonization Working Group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the tasks, and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than December 30, 1999. The requests will be reviewed by the assistant chair, the assistant executive director, and the working group chair, and the individuals will be advised whether or not the request can be accommodated.

Individuals chosen for membership on the Cabin Safety Harmonization Working Group will be expected to represent their aviation community segment and participate actively in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to ensure the ability of the working group to meet any assigned deadline(s). Members are expected to keep their management chain advised of working group activities and decisions to ensure that the agreed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for a vote.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation has determined that the formation and use of ARAC are necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Acknowledgement Letter

Mr. Craig R. Bolt
Assistant Chair, Aviation Rulemaking
Advisory Committee
Pratt & Whitney
400 Main Street
East Hartford, CT 06108

Dear Mr. Bolt:

This letter acknowledges receipt of letters that you sent recently on behalf of the on behalf of the Aviation Rulemaking Advisory Committee (ARAC) on Transport Airplane and Engine (TAE) Areas:

Date of Letter	Task No.	Description of Recommendation	Harmonization Working Group
May 21	1	Review the current §§ 25.671 and 25.672 standards and corresponding JAR 25.671 and 25.672 standards pertaining to flight control systems, taking into account the requirements in §§ 25.1309 and 25.1329.	Flight Controls
June 29	2	Harmonize ... 25.851(b) (fire extinguishers) ...	Mechanical Systems

I would like to thank the ARAC, particularly those members associated with the Flight Controls and Mechanical Systems Harmonization Working Groups for their cooperation in using the fast track process and completing the working group report in a timely manner. The report will be forwarded to the Transport Airplane Directorate for review. The Federal Aviation Administration's progress will be reported at the TAE meetings.

Sincerely,

Anthony F. Fazio
Director, Office of Rulemaking

ARM-209:EUshaw:fs:7/16/01:PCDOCS #15888
cc ARM-1/20/200/209; APO-320, ANM-110
File # ANM-98-428-A and ANM-00-085-A

CONCURRENCES
ROUTING SYMBOL
ARM-209
INITIALS/SIGNATURE
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DATE
7/13/01
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ARM-20
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ROUTING SYMBOL
ANM-110
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APO-320
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ARM-200
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ROUTING SYMBOL
ARM-1
INITIALS/SIGNATURE
DATE
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DATE

7/16- Electronic package sent to ANM-110 & APO-320

Recommendation

#8
JNM-00-520-1
Sec ANM-00-089-A
NPRM
pub
5/8/02

PPIHWG Report - Harmonization Proposal for 25.1141

NOTE: The only FAR/JAR harmonization issues associated with FAR/JAR 25.1141 pertain to **paragraph 25.1141(f)**. Consequently, the scope of this report and the associated harmonization tasking is limited to that paragraph.

1. What is the underlying safety issue addressed by FAR/JAR? [Explain the underlying safety rationale for the requirement. Why does the requirement exist?]

FAR/JAR 25.1141(f) is intended to mitigate the potential for flight crews to select an inappropriate position for, or be unaware of the position of, powerplant valves controlled from the cockpit.

2. What are the current FAR and JAR standards? [Reproduce the FAR and JAR rules text as indicated below.]

FAR Sec. 25.1141 - Powerplant controls: general.

* * * *

(f) Powerplant valve controls located in the cockpit must have--

(1) For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed position; and

(2) For power-assisted valves, a means to indicate to the flight crew when the valve--

(i) Is in the fully open or fully closed position; or

(ii) Is moving between the fully open and fully closed position.

JAR 25.1141 Powerplant controls: general

* * * *

(f) Powerplant valve controls located in the cockpit must have -

(1) For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed positions; and

(2) In the case of valves controlled from the cockpit other than by mechanical means, where the correct functioning of such a valve is essential for the safe operation of the aeroplane, a valve position indicator operated by a system which senses directly that the valve has attained the position selected, unless other indications in the cockpit give the flight crew a clear indication that the valve has moved to the selected position. (See ACJ 25.1141(f).)

RPR # ANM-00-320-A

ACJ 25.1141(f) - Powerplant Controls, General (Interpretative Material)

A continuous indicator need not be provided.

3. What are the differences in the standards and what do these differences result in?

[Explain the differences in the standards, and what the differences result in relative to (as applicable) design features/capability, safety margins, cost, stringency, etc.]

The significant regulatory difference exist is in sub-paragraph (f)(2) where:

- The FAR uses the term “power assisted” and the JAR uses “other than by mechanical means” to describe applicability;
- The JAR uses the phrase “where the correct functioning of such a valve is essential for the safe operation of the aeroplane” to reduce the applicability to be more consistent with JAR 25.1309(c) requirements for indications, the FAR does not; and
- The basic indicating requirement of the FAR and JAR are also different. While the JAR uses “a valve position indicator operated by a system which senses directly that the valve has attained the position selected”, the FAR uses “a means to indicate to the flight crew when the valve is in the fully open or fully closed position, or is moving between the fully open and fully closed position”; and
- Lastly, by including: “ unless other indication in the cockpit give the flight crew a clear indication that the valve has moved to the selected position”, the JAR specifically acknowledges that a dedicated indication is not required. The FAR does not.

4. What, if any, are the differences in the means of compliance? *[Provide a brief explanation of any differences in the compliance criteria or methodology, including any differences in either criteria, methodology, or application that result in a difference in stringency between the standards.]*

The only identified significant differences in the means of compliance are those associated with the differences in the scope of rule applicability.

5. What is the proposed action? *[Is the proposed action to harmonize on one of the two standards, a mixture of the two standards, propose a new standard, or to take some other action? Explain what action is being proposed (not the regulatory text, but the underlying rationale) and why that direction was chosen.]*

While ARAC was tasked with “enveloping” the FAR and JAR versions of this rule, ARAC has concluded that a more objective and effective alternative to either rule should be proposed along with suitable preamble material. This alternative proposed standard more clearly reflects the existing practices that have been found to achieve an acceptable level of safety. ARAC will also provide an alternative proposal which simply “envelopes” the two rules as called for in the tasking.

6. What should the harmonized standard be? [Insert the proposed Text of the harmonized standard here.]

The preferred proposal for a harmonized standard is set forth below:

“25.1141 Powerplant controls: general

* * * *

(f) *Powerplant valve controls located in the cockpit must provide the crew with means to:*

- (1) *select each intended position of the valve;*
- (2) *indicate the selected position of the valve; and*
- (3) *indicate the valve has attained the selected position.”*

An alternative “envelope”-only proposal for a harmonized standard is set forth below:

“25.1141 Powerplant controls: general

* * * *

(f) *Powerplant valve controls located in the cockpit must have -*

- (1) *For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed positions; and*
- (2) *For power-assisted valves, a valve position indicator operated by a system which senses directly that the valve has attained the position selected, unless other indications in the cockpit give the flight crew a clear indication that the valve has moved to the selected position.”*

7. How does this proposed standard address the underlying safety issues (identified under #1)? [Explain how the proposed standard ensures that the underlying safety issue is taken care of.]

The preferred proposed standard clarifies the existing practices that have been found to achieve an acceptable level of safety. The alternative proposal duplicates the requirements in effect today for those applicants that certify their designs to both the FAR and JAR. Since these standards are what has resulted in the existing practices, this “enveloped” standard should also be considered capable of achieving an acceptable level of safety. However, the “enveloped” standard does not reflect the existing practices as clearly and effectively as the preferred proposed standard. Consequently, additional interpretive and guidance material may be needed to make this somewhat dated and narrow rule more relevant for modern designs.

8. Relative to the current FAR, does the proposal increase, decrease or maintain the same level of safety? Explain. [Explain how each element of the proposed change to the standard affects the level of safety relative to the FAR. It is possible that some portions of the proposal may reduce the level of safety even though the proposal as a whole may increase the level of safety.]

Both the preferred and the alternative “enveloped” proposed standards may increase the level of safety depending upon how the current FAR is interpreted and applied to a given modern design. The *preferred* proposed standard specifically requires a means to select each intended position of the valve while the current FAR only implies this is a requirement for “manual valves”. The preferred

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proposed standard specifically requires a means to indicate the selected position of the valve while the current FAR only implies this is a requirement for “manual valves”. The preferred proposed standard specifically requires a means to indicate the valve has attained the selected position while the current FAR only implies this is a requirement for all valves. Since the “enveloped” rule takes the more “severe” parts of both the FAR and JAR, the adoption of parts of the JAR is inherently viewed as increasing the level of safety required by the FAR. See sections 3 and 7 above.

However, neither of the proposed standards are intended to increase the level of safety provided by current design practices, only to help standardize them. See section 7 above.

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- 9. Relative to current industry practice, does the proposed standard increase, decrease, or maintain the same level of safety? Explain. [Since industry practice may be different that what is required by the FAR (e.g., general industry practice may be more restrictive), explain how each element of the proposed change to the standards affects the level of safety relative to current industry practice. Explain whether current industry practice is in compliance with the proposed standard.]**

Maintains the current level of safety. See section 7 above.

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- 10. What other options have been considered and why were they not selected? [Explain what other options were considered and why they were not selected (e.g., cost/benefit, unacceptable decrease in the level of safety, lack of consensus, etc.)]**

Deleting FAR/JAR 25.1141(f) and rely on FAR/JAR 25.1309(c). However, this would reduce the overall level of safety provided by Part 25.

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- 11. Who would be affected by the proposed change? [Identify the parties that would be materially affected by the rule change – airplane manufacturers, airplane operators, etc.]**

Primarily the regulatory authorities and the airframe manufactures.

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- 12. To ensure harmonization, what current advisory material (e.g., ACJ, AMJ, AC, policy letters) needs to be included in the rule text or preamble? [Does the existing advisory material include substantive requirements that should be contained in the regulation? This may occur because the regulation itself is vague, or if the advisory material is interpreted as providing the only acceptable means of compliance.]**

See sections 6 and 7 above.

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- 13. Is the existing FAA advisory material adequate? If not, what advisory material should be adopted?** *[Indicate whether the existing advisory material (if any) is adequate. If the current advisory material is not adequate, indicate whether the existing material should be revised, or new material provided. Also, either insert the text of the proposed advisory material here, or summarize the information it will contain, and indicate what form it will be in (e.g., Advisory Circular, policy, Order, etc.)]*

If the preferred proposed standard and preamble materials are adopted, then no need for additional advisory material is currently foreseen. However, if the alternative "enveloped" proposed standard is adopted, then additional advisory material should be provided.

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- 14. How does the proposed standard compare to current ICAO standard?** *[Indicate whether the proposed standard complies with or does not comply with the applicable ICAO standards (if any).]*

No counterpart ICAO standard exists.

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- 15. Does the proposed standard affect other HWG's?** *[Indicate whether the proposed standard should be reviewed by other harmonization working groups and why.]*

No.

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- 16. What is the cost impact of complying with the proposed standard?** *[Is the overall cost impact likely to be significant, and will the cost be higher or lower? Include any cost savings that would result from complying with one harmonized rule instead of the two existing standards. Explain what items affect the cost of complying with the proposed standard relative to the cost of complying with the current standard.]*

No anticipated change in cost.

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- 17. Does the HWG want to review the draft NPRM at "Phase 4" prior to publication in the Federal Register?**

Yes

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- 18. In light of the information provided in this report, does the HWG consider that the "Fast Track" process is appropriate for this rulemaking project, or is the project too complex or controversial for the Fast Track Process? Explain.** *[A negative answer to this question will prompt the FAA to pull the project out of the Fast Track Process and forward the issues to the FAA's Rulemaking Management Council for consideration as a "significant" project.]*

Yes

FAA Action: Placed on the AVS “Do By Other Means” list, dated June 14, 2005.